

Senate File 359

SENATE FILE _____
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1146)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to landlords, tenants, and actions for forcible
2 entry or detention and providing a penalty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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1 1 Section 1. NEW SECTION. 29A.101A TERMINATION OF LEASE OR
1 2 RENTAL AGREEMENT BY SERVICE MEMBER.
1 3 1. As used in this section, "lease" or "rental agreement"
1 4 means any lease or rental agreement covering premises occupied
1 5 for dwelling, professional, business, agricultural, or similar
1 6 purposes if both of the following conditions are met:
1 7 a. The lease or rental agreement was executed by or on
1 8 behalf of a service member who, after the execution of the
1 9 lease or rental agreement, entered military service.
1 10 b. The service member or the service member's dependents
1 11 occupy the premises for the purposes set forth in this
1 12 subsection.
1 13 2. a. A service member may terminate a lease or rental
1 14 agreement by providing written notice to the lessor or the
1 15 lessor's agent at any time following the date of the beginning
1 16 of the service member's period of military service. The
1 17 notice may be delivered by placing it in an envelope properly
1 18 stamped and addressed to the lessor or the lessor's agent and
1 19 depositing the notice in the United States mail.
1 20 b. Termination of a month-to-month lease or rental
1 21 agreement shall not be effective until thirty days after the
1 22 first day on which the next rental payment is due and payable
1 23 after the date when notice is delivered or mailed. As to all
1 24 other leases or rental agreements, termination shall be
1 25 effective on the last day of the month following the month in
1 26 which notice is delivered or mailed. Any unpaid rent for the
1 27 period preceding the termination in such cases shall be
1 28 computed on a pro rata basis and any rent paid in advance
1 29 after termination shall be refunded by the lessor or the
1 30 lessor's agent.
1 31 c. Upon application by the lessor and prior to the
1 32 termination period provided in the notice, a court may modify
1 33 or restrict any relief granted in this subsection as the
1 34 interests of justice and equity require.
1 35 3. A person who knowingly seizes, holds, or detains the
2 1 personal effects, clothing, furniture, or other property of
2 2 any person who has lawfully terminated a lease or rental
2 3 agreement covered under this section or who interferes in any
2 4 manner with the removal of property from the premises for the
2 5 purposes of subjecting the property to a claim for rent
2 6 accruing subsequent to the date of termination of the lease or
2 7 rental agreement commits a simple misdemeanor.
2 8 Sec. 2. Section 562A.27, Code 2003, is amended by adding
2 9 the following new subsection:
2 10 NEW SUBSECTION. 5. Notwithstanding any other provisions
2 11 of this chapter, a municipal housing agency established
2 12 pursuant to chapter 403A may issue a thirty-day notice of
2 13 lease termination for a violation of a rental agreement by the
2 14 tenant when the violation is a violation of a federal
2 15 regulation governing the tenant's eligibility for or continued
2 16 participation in a public housing program. The municipal
2 17 housing agency shall not be required to provide the tenant
2 18 with a right or opportunity to remedy the violation or to give
2 19 any notice that the tenant has such a right or opportunity
2 20 when the notice cites the federal regulation as authority.
2 21 Sec. 3. NEW SECTION. 648.1A NONPROFIT TRANSITIONAL
2 22 HOUSING EXEMPTED.

2 23 This chapter shall not apply to occupancy in housing owned
2 24 by a nonprofit organization whose purpose is to provide
2 25 transitional housing for persons released from drug or alcohol
2 26 treatment facilities or to provide housing for homeless
2 27 persons. Absent an applicable provision in a lease, contract,
2 28 or other agreement, a person who unlawfully remains on the
2 29 premises of such housing may be subject to criminal trespass
2 30 penalties pursuant to section 716.8.

2 31 Sec. 4. Section 648.6, Code 2003, is amended to read as
2 32 follows:

2 33 648.6 ~~DELAYED VACATION~~ -- NOTICE TO LIENHOLDERS.

2 34 In cases covered by chapter 562B, a plaintiff ~~may preserve~~
2 35 ~~the option of consenting to delayed vacation of a premises as~~
3 1 ~~provided in section 648.22A, by sending~~ shall send a copy of
3 2 the petition, prior to the date set for hearing, by regular,
3 3 certified, or restricted certified mail to the county
3 4 treasurer and to each lienholder whose name and address are of
3 5 record in the office of the county treasurer of the county
3 6 where the mobile home or manufactured home is located.

3 7 Sec. 5. Section 648.22A, Code 2003, is amended to read as
3 8 follows:

3 9 648.22A EXECUTIONS INVOLVING MOBILE HOMES AND MANUFACTURED
3 10 HOMES.

3 11 1. In cases covered by chapter 562B, ~~upon~~ prior to the
3 12 expiration of three days from the date the judgment is entered
3 13 pursuant to section 648.22, the plaintiff or defendant may
3 14 elect to leave a mobile home or manufactured home and its
3 15 contents in the manufactured home community or mobile home
3 16 park for up to ~~thirty~~ sixty days after the date of the
3 17 judgment provided all of the following occur:

3 18 a. The plaintiff consents and the plaintiff has complied
3 19 with the provisions of section 648.6.

3 20 b. The party making the election files a written notice of
3 21 such election with the court and sends a copy of the notice of
3 22 election with a copy of the judgment to the sheriff, the other
3 23 party at the other party's last known address, each record
3 24 lienholder, and the county treasurer in the same manner as in
3 25 section 648.6.

3 26 ~~b. c.~~ All utilities to the mobile home or manufactured
3 27 home are disconnected prior to expiration of three days from
3 28 the ~~entry of judgment~~ filing of the election. Payment of any
3 29 reasonable costs incurred in disconnecting utilities and
3 30 protecting the home from damage is the responsibility of the
3 31 defendant.

3 32 2. During the ~~thirty-day~~ sixty-day period the defendant
3 33 may have reasonable access to the home site to show the home
3 34 to prospective purchasers, prepare the home for removal,
3 35 remove any personal property, or remove the home, provided
4 1 that the defendant gives the plaintiff ~~and sheriff~~ at least
4 2 twenty-four hours' notice prior to each exercise of the
4 3 defendant's right of access. The plaintiff may also have
4 4 reasonable access to the home site to disconnect utilities and
4 5 to show the home to prospective purchasers sent by the
4 6 defendant. The plaintiff shall not have the right to sell the
4 7 home during the sixty-day period unless the defendant enters
4 8 into a written agreement for the plaintiff to sell the home.

4 9 3. During the ~~thirty-day~~ sixty-day period the defendant
4 10 shall not occupy the home or be present on the premises
4 11 between the hours of seven p.m. and seven a.m. A violation of
4 12 this subsection shall be punishable as contempt.

4 13 4. If the plaintiff or defendant finds a purchaser of the
4 14 home, who is a prospective tenant of the manufactured home
4 15 community or mobile home park, the provisions of section
4 16 562B.19, subsection 3, paragraph "c", shall apply.

4 17 5. If, within the ~~thirty-day~~ sixty-day period, the home is
4 18 not sold to an approved purchaser or removed from the
4 19 manufactured home community or mobile home park, the plaintiff
4 20 may sell or dispose of the home in accordance with the
4 21 provisions of section 555B.9 without an order for disposal, or
4 22 chapter 555C, and may do so free and clear of all liens,

4 23 claims, or encumbrances of third parties except any tax lien,
4 24 at which time all of the following shall occur:

4 25 a. ~~The home, its contents, and any other property of the~~
4 26 ~~defendant remaining on the premises shall become the property~~
4 27 ~~of the plaintiff free and clear of all rights of the defendant~~
4 28 ~~to the property and of all liens, claims, or encumbrances of~~
4 29 ~~third parties, and any tax levied pursuant to chapter 435 may~~
4 30 ~~be abated by the board of supervisors. The proceeds from the~~
4 31 ~~sale shall first be applied to any judgments against the~~
4 32 ~~defendant obtained by the plaintiff, any unpaid rent or~~
4 33 ~~additional costs incurred by plaintiff, and reasonable~~

4 34 attorney fees. Any remaining proceeds shall next be applied
4 35 to any tax lien with the remainder to be held in accordance
5 1 with section 555B.9, subsection 3, paragraph "c".
5 2 b. Any money judgment against the defendant and in favor
5 3 of the plaintiff relating to the previous tenancy shall be
5 4 deemed satisfied, except those arising from independent torts.
5 5 c. ~~The~~ If plaintiff elects to retain the home pursuant to
5 6 section 555B.9, the county treasurer, upon receipt of a fee
5 7 equal to the fee specified in section 321.42 for replacement
5 8 of certificates of title for motor vehicles, and upon receipt
5 9 of an affidavit submitted by the plaintiff verifying that the
5 10 home was not sold to an approved purchaser or removed within
5 11 the time specified in this subsection, shall issue to the
5 12 plaintiff a new title for the home.
5 13 6. A purchaser of the home shall be liable for any unpaid
5 14 sums due the plaintiff, sheriff, or county treasurer. For the
5 15 purposes of this section, "purchaser" includes a lienholder or
5 16 other claimant acquiring title to the home in whole or in part
5 17 by reason of a lien or other claim.
5 18 7. ~~Nothing in this section shall prevent the defendant~~
5 19 ~~from removing the mobile home or manufactured home prior to~~
5 20 ~~the expiration of three days after entry of judgment, after~~
5 21 ~~which time a mobile home or manufactured home shall not be~~
5 22 removed without the prior payment to the plaintiff of all sums
5 23 owing at the time of entry of judgment, interest accrued on
5 24 such sums as provided by law, and per diem rent for that
5 25 portion of the ~~thirty-day~~ sixty-day period which has expired
5 26 prior to removal, and payment of any taxes due on the home
5 27 which are not abated pursuant to subsection 5.
5 28 8. ~~In any case where this section has become operative,~~
5 29 ~~section 648.18 does not apply.~~
5 30 9. ~~This section does not preclude the exercise of a~~
5 31 ~~lienholder's rights under 648.22B.~~
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